

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

MICHAEL ANTONELLI

PLAINTIFF

V.

2:08-cv-00003-JJM/JJV

MARTHA DEPOORTER, Correctional Counselor, Federal
Correctional Complex, Forrest City, Arkansas; and
BILLY PHILLIPS, Counselor, Federal Correctional
Complex, Forrest City, Arkansas

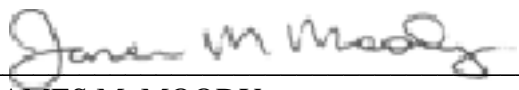
DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. However, plaintiff filed a Motion to Continue on January 25, 2010, the same day that the Magistrate Judge recommended dismissal of plaintiff's case for failure to prosecute.

Based upon this Motion to Continue, the Court declines to adopt the Proposed Findings and Recommended Disposition and refers the case back to the federal magistrate so that he may have the benefit of reviewing such motion.

DATED this 3 day of February, 2010.



JAMES M. MOODY
UNITED STATES DISTRICT JUDGE